

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID MIMS and DONNA MIMS,)	
)	
)	
Plaintiffs,)	
)	Case No.: 1:12-CV-244-VEH
v.)	
)	
WAL-MART STORES, INC.; et al.,)	
)	
Defendants.)	

ORDER

THIS CAUSE is before the court on the Plaintiff's and Kinderhook Defendants' Joint Motion to Dismiss Claims without Prejudice (the "Motion") (Doc. 56). The Motion states that the Plaintiff, Defendant Kinderhook Capital Fund II, L.P. and Defendant Kinderhook Industries, LLC have entered into a tolling agreement. Pursuant to the terms of this agreement, the parties agree to the dismissal without prejudice of Plaintiff's claims against the Kinderhook Defendants. Therefore, Plaintiffs claims against Defendant Kinderhook Capital Fund II, L.P. and Defendant Kinderhook Industries, LLC are hereby **DISMISSED WITHOUT PREJUDICE**.

DONE and **ORDERED** this the 13th day of February, 2013.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge